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Attorneys at Law

Jennifer M. Horowitz
t 212.351.4622
f 212.878.8600
JHorowitz@ebglaw.com

July 8, 2020

VIA ECF

Hon. Analisa Torres
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Vidal Solar et al. v. Fresh Direct, LLC et al.*
Case No. 1:20-cv-03431 (AT)
Letter Motion-On Consent

Dear Judge Torres:

Our firm represents the Defendants Fresh Direct, LLC and Fresh Direct Holdings, Inc. in the above referenced action. Jointly with counsel for Plaintiffs Vidal Soler, Corey Stewart and the putative class, we write to inform the Court that the parties have agreed to participate in private mediation. We are in the process of identifying and retaining a mediator. The parties believe that private mediation would be an effective manner of achieving an early resolution and global resolution of the individual and potential class-wide claims and wish to pursue this avenue prior to Court litigation.

In light of the foregoing private mediation, the parties request that the Court stay the Court litigation and remove the matter from the pilot mediation program. Given the initial pretrial conference is currently scheduled for August 27, 2020, we also request that the conference be rescheduled to a date after completion of private mediation. The parties propose providing the Court with a status update stating their anticipated date of mediation by July 17, 2020.

Respectfully,

/s/ Jennifer M. Horowitz

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cc: Ossai Miazad, Esq.
Christopher McNerney, Esq.

GRANTED in part, DENIED in part.

The parties' request to be excused from the pilot mediation program in favor of private mediation is GRANTED.

The parties' request for a stay of this action and adjournment of the initial pretrial conference is DENIED. The initial pretrial conference will remain scheduled for August 27, 2020, at 11:20 a.m. The parties may renew their request for an adjournment after providing the Court with an anticipated mediation schedule.

By **July 17, 2020**, the parties shall file a status letter stating the scheduled date of their private mediation.

SO ORDERED.

Dated: July 8, 2020
New York, New York



ANALISA TORRES
United States District Judge